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hcl

SEP 28 2000



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Alan George BAXTER

Serial No.: 09/308,192

Filing Date: July 14, 1999

For: MYCOBACTERIUM CELL WALL  
COMPOSITIONS

Examiner: Li Lee

Group Art Unit: 1645

#2  
A.G.J.  
10/5/00

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Office Action mailed July 25, 2000, Applicant elects to prosecute the claims of Group I, claims 1-4, 7-10, and 20-21, with traverse.

The Examiner states that the inventions of Groups I-VI do not relate to a single general inventive concept because they lack the same or corresponding special technical features under PCT Rule 13.1. Applicant's invention relates to methods of immunomodulatory therapy using cell wall components of *Mycobacterium* or a related organism or analogous components from another biological source or chemical equivalents of said components. This is a single general inventive concept as defined by PCT Rule 13.1 and explained by PCT Rule 13.2, as the groups

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identified by the Examiner share the special technical feature of using *Mycobacterium* or related organism cell wall components.

Specifically, Groups I and II relate to the treatment of diseases by immunomodulatory therapy using cell wall components of *Mycobacterium* or a related organism or analogous components from another biological source or chemical equivalents of said components. These two groups are a single general inventive concept. The fact that many claims of Groups I and II are the same further demonstrates that only one general inventive concept is claimed by Applicant.

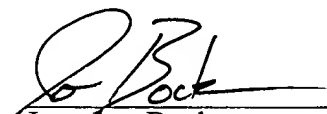
Although Applicant has demonstrated that the restriction requirement is improper and should be withdrawn entirely or at least as to Groups I and II, Applicant provisionally elects the claims of Group I for prosecution at this time, should the traverse be unsuccessful.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 2299752000600. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: September 25, 2000

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